



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100258684-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed new house and garage on open space adjacent to a woodland and pond owned by the applicant. Access to the proposed site will be via an existing commercial access previously approved for use by 6 businesses in the Barnyard Studios which have been granted a change of use to occupancy as a single dwelling. The site has mains water, mains drainage and electricity

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text" value="Connagedale"/>
First Name: *	<input type="text" value="Cyril"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Upper Garmouth"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Fochabers"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV32 7RU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="BARNYARD STUDIOS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="FOCHABERS"/>
Post Code:	<input type="text" value="IV32 7AB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="863988"/>	Easting	<input type="text" value="333734"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

5000.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

The site forms part of my land which I transformed into an amenity area in the mid 1990's by planting deciduous trees and creating a water feature where a number of field drains merged. The land is located within the Garmouth settlement boundary and is part of the village with the surrounding area being known as Upper Garmouth.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr & Mrs Cyril Smith

On behalf of:

Date: 21/05/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr & Mrs Cyril Smith

Declaration Date: 21/05/2020

## Payment Details

Online payment: 476500

Payment date: 21/05/2020 16:44:16

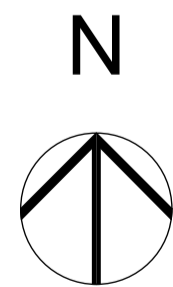
Created: 21/05/2020 16:44



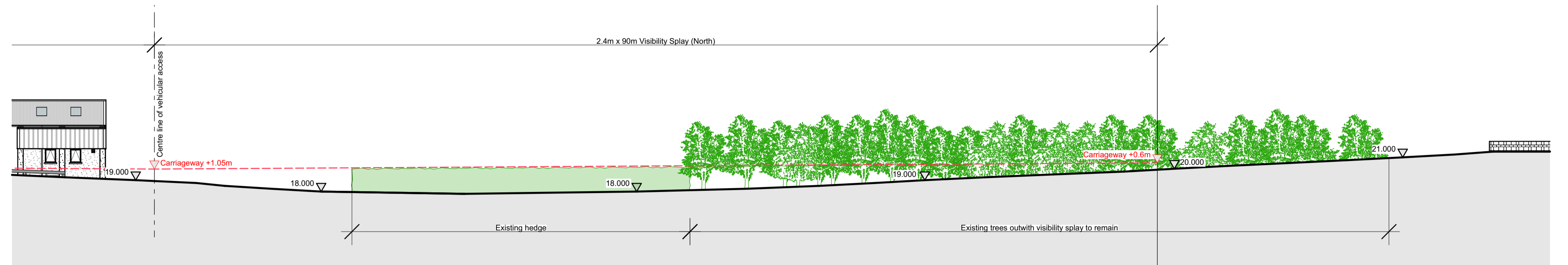
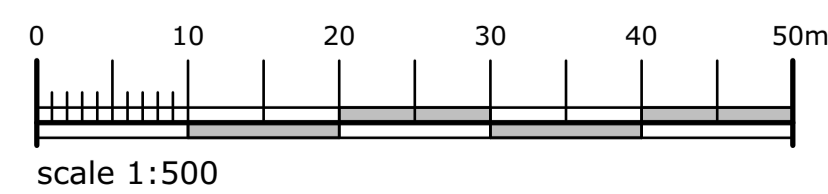


2.4m x 90m visibility splay to the north shown shaded in red - visibility splay maintained at all times free from any obstructions greater than 0.6m in height measured from the level of the carriageway.

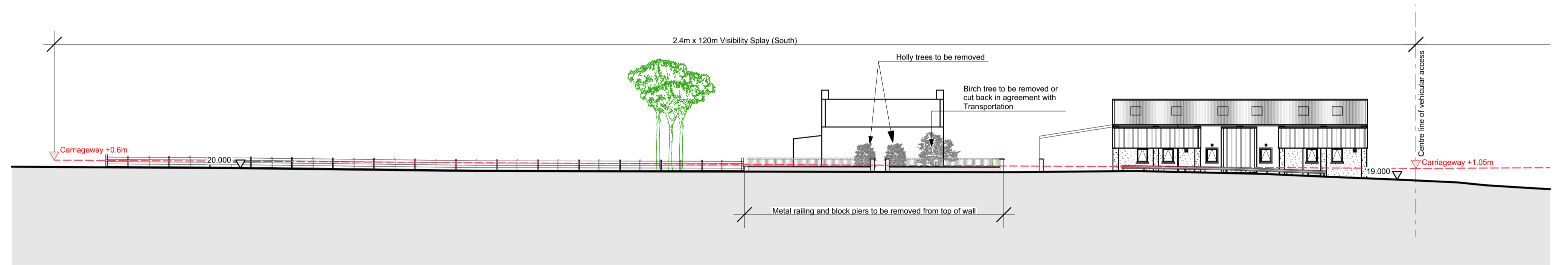
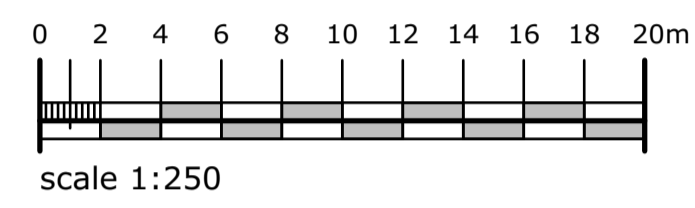
2.4m x 120m visibility splay to the south shown shaded in red - visibility splay maintained at all times free from any obstructions greater than 0.6m in height measured from the level of the carriageway.



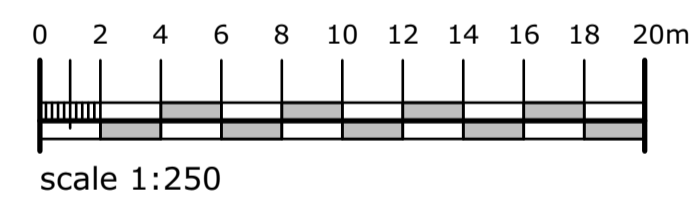
Visibility Splay Site Plan



North Visibility Splay Section



South Visibility Splay Section



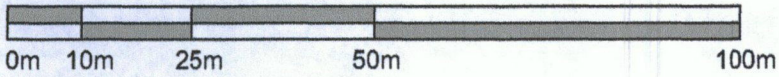
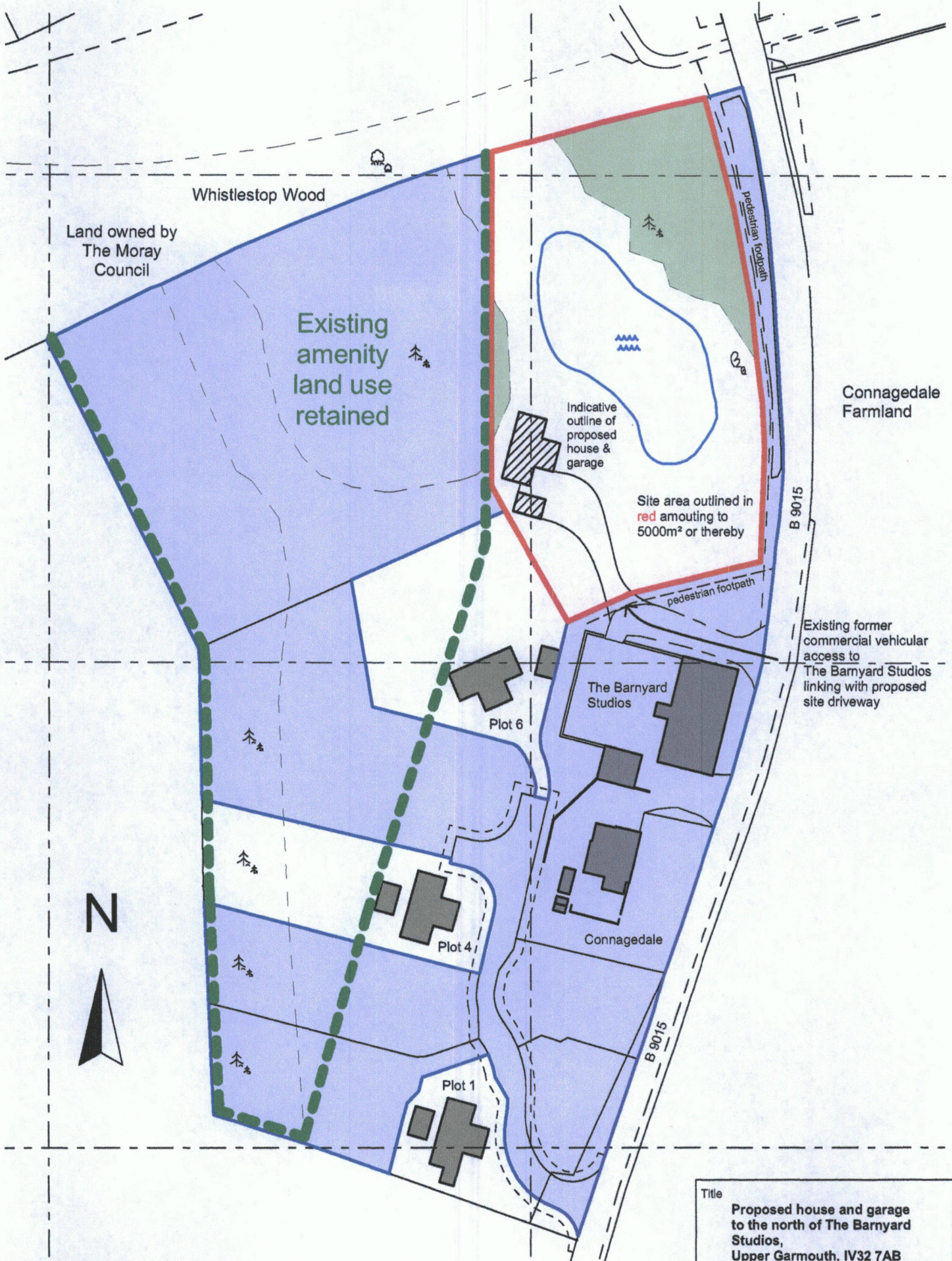
Revision	Description	Date
B	Birch tree note amended	09.07.2020
A	Visibility splay amended	06.07.2020

Date: 26.06.2020  
Scale (A1): 1:250 / 1:500

Project:	
Proposed house and garage to the north of The Barnyard Studios, Upper Garmouth, IV32 7AB	
Drawing title:	Drawing no.
Visibility Splay	001 B







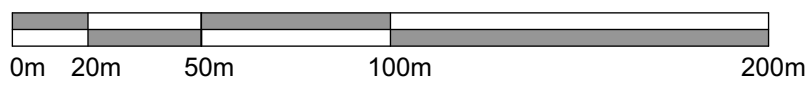
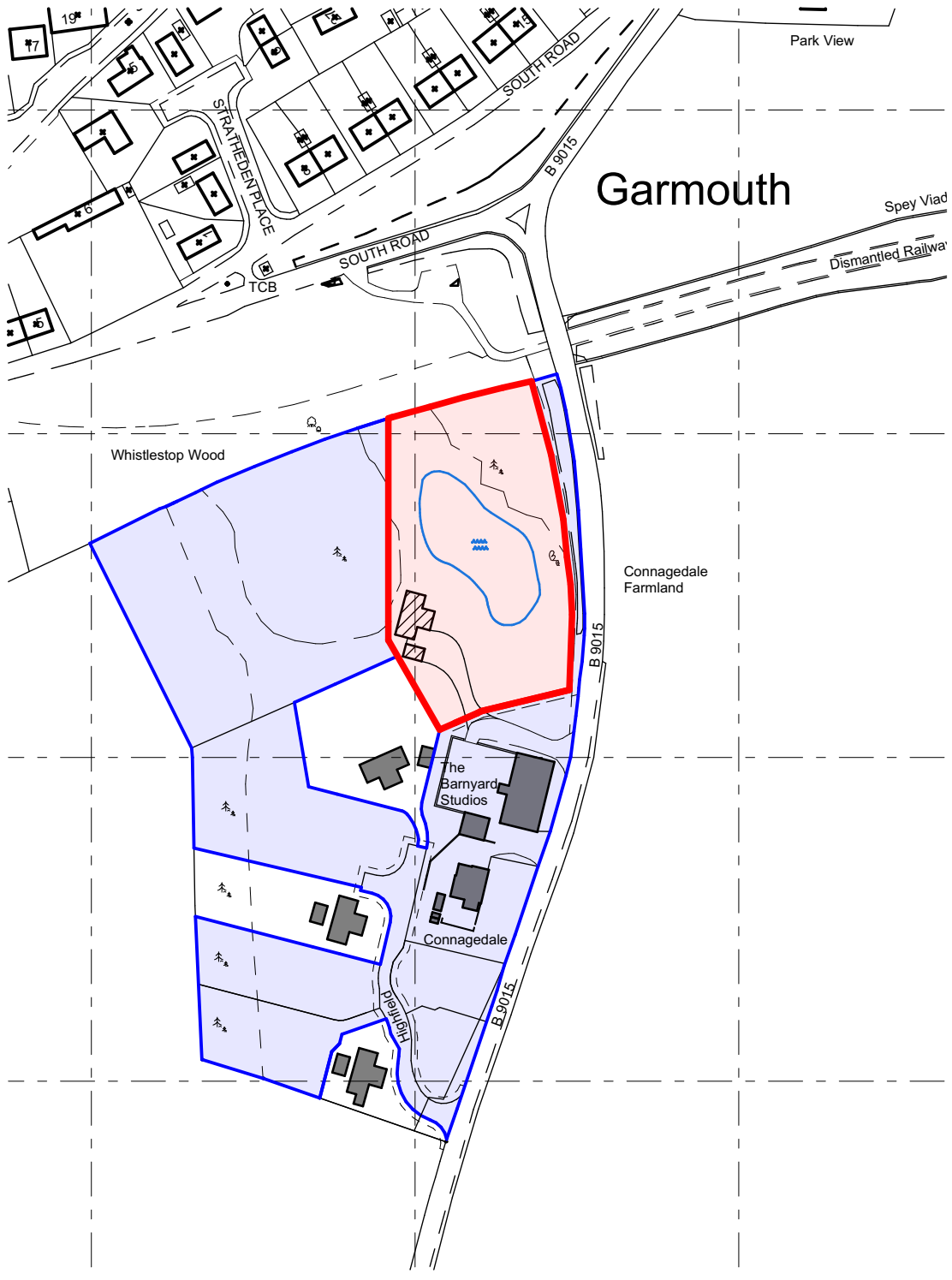
SCALE BAR 1:1000

Title	<b>Proposed house and garage to the north of The Barnyard Studios, Upper Garmouth, IV32 7AB</b>
Drawing	<b>Site plan</b>
Scale @ A4	<b>1:1000</b>

2 6 MAY 2020







SCALE BAR 1:2000

Title	<b>Proposed house and garage to the north of The Barnyard Studios, Upper Garmouth, IV32 7AB</b>
Drawing	<b>Location plan</b>
Scale @ A4	<b>1:2000</b>



20/00636/PP

26 MAY 2020

Supporting Statement  
in relation to PPP Application 100258684-001 of 23/5/2020 for a  
New House and Garage on a site to the north of The Barnyard Studios,  
Upper Garmouth, Fochabers. AB32 7AB  
by Mr & Mrs CA Smith



The current Covid 19 pandemic has given us all time to reflect upon current circumstances and to conceptualise plans for the future. Going forward into our senior years, we are aware of our inevitable physical limitations such that we need to downscale our property portfolio so as to reduce our maintenance commitments as our family are unlikely to be following in our footsteps.

In our forty years residency at Connagedale we have invested extensively in the property and proudly established what is now known as Upper Garmouth by creating the Barnyard Studios and providing the road and servicing infrastructure for the Highfield Development. Now that we have approval to retire into the Studios, we are focusing on the last piece of our Upper Garmouth property portfolio with this PPP application for the ninth of the 9 houses which were originally applied for in our PP application of 2010 but got postponed at that time in order to reduce the density of the development within Highfield. The current application site is immediately adjacent to Highfield.

Our intention is to set a design brief, as part of the feuing conditions, for the proposed house on this exceptionally well landscaped site to be of a high aesthetic standard and eco friendly. This will be the last house site in Upper Garmouth and there will be further feuing conditions set such that the large 0.5 ha site will not be subdivided for any further development. There is sufficient open space available within the application site to the west of the pond for the placement and concealment of a new house and garage which will not intrude upon the outlook and privacy of others. The adjacent amenity land to the west of the application site will remain undeveloped with its broad leaved trees and open spaces.

As part of our property disposal proposals, we have also offered two areas of ENV6 amenity land for the community to acquire at no cost (other than legal fees) which amount to approx. 0.4 ha and are located immediately adjacent to the Garmouth and Kingston Village Hall.

The application site of 0.5 ha, or thereby, is located within the Garmouth settlement boundary and is some distance from the village conservation area. There are no listed buildings in the vicinity.

The adjacent land in to the west in the applicants control is designated amenity land. The adjacent land to the east in the applicants control is a community footpath formed by the applicants to give safe pedestrian access from Upper Garmouth to Garmouth. The adjacent land to the south in the applicants control is partly the aforementioned footpath and also the existing, formerly commercial vehicular access to the Barnyard Studios, which is proposed to become a shared access to the application site and the future singular domestic use of the Barnyard Studios as a dwelling. The adjacent land to the south west is amenity land forming part of the property of 6 Highfield. The adjacent land to the north is the landscaped former railway station yard and start of the Spey Viaduct walk.

The proposed access route to the application site is the shared (two properties) now domestic use of the existing commercial access/egress to/from the B9105 which was approved for a commercial use by 5 businesses when there were no speed restrictions on the public road. Nowadays of course there is a 40 mph speed limit on this section of the B9015.

The proposed application site can have connections to mains water, mains foul sewer and mains electricity services which are located within the adjacent land owned by the applicants. Storm water drainage can be given two methods of treatment via soakaways and or sustainable arrestment in the private pond within the application site.

With these arrangements completed, we hope to release ourselves from a lifetime of extensive property obligations and hopefully enjoy what limited time we have from here on.

We commend these proposals for favourable consideration by the Moray Council.

Mr & Mrs CA Smith, Connagedale, Upper Garmouth, Fochabers. IV32 7AB      23rd May, 2020

## Consultation Request Notification – Development Plans

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	7th August 2020
<b>Planning Authority Reference</b>	20/00636/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse and garage on
<b>Site</b>	Site At Barnyard Studios Upper Garmouth Fochabers Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133073144
<b>Proposal Location Easting</b>	333715
<b>Proposal Location Northing</b>	864045
<b>Area of application site (M<sup>2</sup>)</b>	5000
<b>Additional Comments</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAPY1EBGG6Q00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAPY1EBGG6Q00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	24th July 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr & Mrs Cyril Smith
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Connagedale Upper Garmouth Fochabers Moray Scotland IV32 7RU
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Iain T Drummond
<b>Case Officer Phone number</b>	01343 563607
<b>Case Officer email address</b>	iain.drummond@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-



PLEASE COMPLETE AND RETURN WITHIN 48 HOURS  
to [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

## MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 20/00636/PPP

Erect dwellinghouse and garage on Site At Barnyard Studios Upper Garmouth  
Fochabers Moray for Mr & Mrs Cyril Smith

Ward: 04\_17 Fochabers Lhanbryde

### DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

*(For Structure/Local Plan Comment)*

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2020		EP5 Open Space	X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

## **POLICY COMMENTS**

The proposal is for planning in principle for a single house within ENV 6 a natural/semi natural greenspace, south of Station Road, Garmouth.

These comments relate solely to the assessment of proposals against EP5 Open Space.

### **EP5 Open Space**

The proposal is contrary to Policy EP5 Open Space. The policy is clear that development that would change the use of an identified environmental designation will be refused. There are exceptions to this, including essential community infrastructure however housing is specifically excluded. Where it is considered development can be sensitively accommodated within an ENV this has been written into the accompanying designation text in the environment/green infrastructure section of the settlement statement within the LDP 2020. No such text has been added to ENV 6 Land to South of Station Road, Garmouth.

The policy is very explicit that housing within an environmental designation is not an acceptable use and there is no justification to support a departure from this policy to allow a house in this location.

In conclusion, the proposal is contrary to EP5 Open Spaces and should be refused.

**Contact: Emma Gordon**  
**email address:emma.gordon@moray.gov.uk**  
**Consultee: Development Plans**

**Date 30<sup>th</sup> July 2020**  
**Phone No 01343 563292**

**Return response to**

**consultation.planning@moray.gov.uk**

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

**From:** DeveloperObligations  
**Sent:** 6 Jul 2020 15:26:01 +0100  
**To:** DC-General Enquiries  
**Cc:** Iain Drummond  
**Subject:** 20/00636/PPP Erect dwellinghouse and garage on Site At Barnyard Studios, Upper Garmouth, Fochabers  
**Attachments:** 20-00636-APP Erect dwellinghouse and garage on Site At Barnyard Studios, Upper Garmouth, Fochabers.pdf

Hi,

Please find attached developer obligations assessment updated with Affordable Housing that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Kind regards,

**Beatrice Roka** | Senior Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development

[Beatrice.Roka@moray.gov.uk](mailto:Beatrice.Roka@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

01343 563265





# Developer Obligations: ASSESSMENT REPORT



**Date:** 01/06/2020

**Reference:** 20/00636/PPP

**Description:** Erect dwellinghouse and garage on Site At Barnyard Studios, Upper Garmouth, Fochabers

**Applicant:** Mr & Mrs Cyril Smith

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_100443.html](http://www.moray.gov.uk/moray_standard/page_100443.html)

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards New Build Health Centre in Fochabers</i> )	██████████
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	██████████

## Breakdown of Calculation

Proposals are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

3 bed = 1 SRUE

### Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.





## INFRASTRUCTURE

### Education

#### **Primary Education**

Pupils generated by this development are zoned to Mosstodloch Primary School. The school is currently operating at 60% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Primary Education = Nil**

#### **Secondary Education**

Pupils generated by this development are zoned to Milne's High School. The school is currently operating at 64% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per

General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Fochabers Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Fochabers Medical Practice is working well beyond design capacity with no room for expansion on existing site and contributions are sought towards a New Build Health Centre.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE.

[REDACTED]

[REDACTED]

**Contribution towards Healthcare= [REDACTED]**

### Sports and Recreational Facilities

#### *Sports and Recreation Facilities*

Existing sports provision within Fochabers is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

**Contribution for Sports and Recreation Facilities = Nil**





## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.





## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	8th June 2020
<b>Planning Authority Reference</b>	20/00636/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse and garage on
<b>Site</b>	Site At Barnyard Studios Upper Garmouth Fochabers Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	999999999999
<b>Proposal Location Easting</b>	33372
<b>Proposal Location Northing</b>	86407
<b>Area of application site (M<sup>2</sup>)</b>	5000
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAPY1EBGG6Q00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAPY1EBGG6Q00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	25th May 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr & Mrs Cyril Smith
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Connagedale Upper Garmouth Fochabers Moray Scotland IV32 7RU
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Iain T Drummond
<b>Case Officer Phone number</b>	01343 563607
<b>Case Officer email address</b>	iain.drummond@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Aberdeenshire Council Archaeology Service

**Planning Application Ref. No: 20/00636/PPP**

**Erect dwellinghouse and garage on Site At Barnyard Studios Upper Garmouth Fochabers Moray for Mr & Mrs Cyril Smith**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <b>x</b>                             |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/>             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

**Reason(s) for objection**

None

**Condition(s)**

None

**Further comment(s) to be passed to applicant**

**Further information required to consider the application**

**Contact: Claire Herbert**  
**email address:**  
[archaeology@aberdeenshire.gov.uk](mailto:archaeology@aberdeenshire.gov.uk)  
**Consultee: Archaeology service**

**Date...2/6/2020.....**  
**Phone No ...01467 537717**

**Return response to**

**consultation.planning@moray.gov.uk**

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to

track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.



Monday, 30 November 2020



Local Planner  
High Street

Elgin  
IV30 1BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Site At Barnyard Studios, Upper Garmouth, Fochabers, IV32 7LX**  
**PLANNING REF: 20/00636/PPP**  
**OUR REF: DSCAS-0014789-RCW**  
**PROPOSAL: Erect dwellinghouse and garage on**

**Please quote our reference in all future correspondence**

---

## **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the BADENTINAN Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by GARMOUTH Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

---

**Please Note**

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
- 

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices

to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

# Consultee Comments for Planning Application 20/00636/PPP

## Application Summary

Application Number: 20/00636/PPP

Address: Site At Barnyard Studios Upper Garmouth Fochabers Moray

Proposal: Erect dwellinghouse and garage on

Case Officer: Iain T Drummond

## Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

## Comments

No objections

Andy Stewart, PEHO





# **Consultee Comments for Planning Application 20/00636/PPP**

## **Application Summary**

Application Number: 20/00636/PPP

Address: Site At Barnyard Studios Upper Garmouth Fochabers Moray

Proposal: Erect dwellinghouse and garage on

Case Officer: Iain T Drummond

## **Consultee Details**

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

Approved Unconditionally - Adrian Muscutt



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 20/00636/PPP

**Erect dwellinghouse and garage on Site At Barnyard Studios Upper Garmouth Fochabers Moray for Mr & Mrs Cyril Smith**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input checked="" type="checkbox"/>  |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/>             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

**Further comment(s) to be passed to applicant**

Following the soil test results and the preliminary design solution for the drainage, I have no objections for the Planning Application as it meets the Moray Council criteria regarding the use of SuDS.

**Contact:** Javier Cruz **Date.....**06/07/2020  
**email address:** Javier.Cruz@Moray.gov.uk **Phone No** .....  
**Consultee:** The Moray Council, Flood Risk Management



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	8th June 2020
<b>Planning Authority Reference</b>	20/00636/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse and garage on
<b>Site</b>	Site At Barnyard Studios Upper Garmouth Fochabers Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	999999999999
<b>Proposal Location Easting</b>	333734
<b>Proposal Location Northing</b>	863988
<b>Area of application site (M<sup>2</sup>)</b>	5000
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAPY1EBGG6Q00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QAPY1EBGG6Q00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	25th May 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr & Mrs Cyril Smith
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Connagedale Upper Garmouth Fochabers Moray Scotland IV32 7RU
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Iain T Drummond
<b>Case Officer Phone number</b>	01343 563607
<b>Case Officer email address</b>	iain.drummond@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

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pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-



MORAY COUNCIL

**PLANNING CONSULTATION RESPONSE**

**From:** Transportation Manager

**Planning Application Ref. No: 20/00636/PPP**

**Erect dwellinghouse and garage on Site At Barnyard Studios Upper Garmouth Fochabers Moray for Mr & Mrs Cyril Smith**

I have the following comments to make on the application:-

	<b>Please</b>
(a) I OBJECT to the application for the reason(s) as stated below	<input type="checkbox"/>
(b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	<input type="checkbox"/>
(c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	<input checked="" type="checkbox"/>
(d) Further information is required in order to consider the application as set out below	<input type="checkbox"/>

*Note – this response is based on submitted drawing ‘Visibility Splay 001 B’*

**Condition(s)**

1. No development shall commence until a visibility splay 2.4m x 90m to the north, and 2.4m x 120m to the south has been provided at the access onto the public road, and maintained thereafter at all times free from any obstruction greater than 0.6m in height measured from the level of the carriageway.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

2. Notwithstanding the submitted details no development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport.

3. Parking provision shall be as follows:  
2 spaces for a dwelling with three bedrooms or less; or  
3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or

completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

4. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

5. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

6. New boundary walls/fences shall be set back from the edge of the public carriageway at a minimum distance of 1.8m and to a position behind the required visibility splays.

Reason: To ensure acceptable development in the interests of road safety.

#### **Further comment(s) to be passed to applicant**

The formation of the required visibility splays will involve the removal of gorse, vegetation, cutting back of trees, the removal of rails/boundary wall, and may require the removal of a tree. The road safety barrier may remain.

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Planning consent does not carry with it the right to carry out works within the public road boundary.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 03 September 2020**

Received by e-mail

Application Number :- 20/00636/PPP

Barnyard Studios  
Upper Garmouth  
Fochabers  
Moray

We residing at [REDACTED]  
[REDACTED]  
[REDACTED]

Object to this application for the following reasons.

1. Applicant should not be granted planning for a dwelling on an ENV6 area.
2. On making the decision to select our plot we were assured nothing would be constructed on this ENV6 area.
3. Our home will be totally overlooked resulting in no privacy.
4. Highway safety would be compromised due to poor access and visibility.
5. If permission was granted then this sets a precedence for further development.

We commend these objections for consideration by The Moray Council.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



## **REPORT OF HANDLING**

<b>Ref No:</b>	20/00636/PPP	<b>Officer:</b>	Iain T Drummond
<b>Proposal Description/ Address</b>	Erect dwellinghouse and garage on Site At Barnyard Studios Upper Garmouth Fochabers Moray		
<b>Date:</b>	07/09/2020	<b>Typist Initials:</b>	FJA

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>	<b>N</b>	
<b>Refuse, subject to reason(s) listed below</b>	<b>Y</b>	
<b>Legal Agreement required e.g. S,75</b>	<b>N</b>	
<b>Notification to Scottish Ministers/Historic Scotland</b>	<b>N</b>	
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Development Plans (Environment)	30/07/20	Recommend refusal of application as being contrary to policy EP5 Open Spaces
Planning And Development Obligations	01/06/20	Contribution sought
Moray Flood Risk Management	06/07/20	No objections
Aberdeenshire Council Archaeology Service	02/06/20	No objections
Scottish Water	27/05/20	No objections
Environmental Health Manager	01/06/20	No objections
Contaminated Land	29/05/20	No objections
Transportation Manager	01/06/20	No objections subject to conditions and informatives

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
Hopeman ENV6 - Natural /Semi-Natural	Y	
PP1 Placemaking	Y	
PP3 Infrastructure & Services	N	
DP1 Development Principles	Y	
DP2 Housing	Y	
EP5 Open Space	Y	
EP13 Foul Drainage	N	
EP14 Pollution, Contamination & Hazards.	N	
EP7 Forestry, Woodlands and Trees	N	

<b>REPRESENTATIONS</b>		
Representations Received	YES	
Total number of representations received - One		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p><b>Issue:</b> Applicant should not be granted planning for a dwelling on an ENV6 area.  <b>Comments (PO):</b> The principle of residential development in an ENV designation is discussed in the observations section of this report, where it is concluded that the development should be refused on this basis.</p>		
<p><b>Issue:</b> Privacy impact  <b>Comments (PO):</b> It is anticipated that a house could be accommodated within the proposed site without adversely impacting on neighbouring amenity/privacy.</p>		
<p><b>Issue:</b> Highway safety would be compromised due to poor access and visibility.  <b>Comments (PO):</b> The transportation service have assessed the proposed access and subject to conditions have no objection to the approval of the application.</p>		
<p><b>Issue:</b> If permission was granted then this sets a precedent for further development.  <b>Comments (PO):</b> Each planning application requires to be determined on its own merits, however, this application is recommended for refusal and therefore no precedent will be set in this case.</p>		

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **Proposal & Site**

This application seeks planning permission for principle for the erection of a single dwellinghouse within the settlement boundary of Garmouth.

The site lies to the south of the settlement adjacent to the B9015 Garmouth to Mosstodloch road and is designated with the Moray Local Development Plan as ENV6. The site is presently a mixture of open green space, woodland and a pond.

### **Appraisal**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

#### **Principle of the development (Garmouth ENV6, EP5, PP1, DP1 and DP2)**

The site lies within the Garmouth ENV6 designation in which policy EP5 stipulates the type of development which may be acceptable in these ENV areas and is therefore the leading policy consideration in the determination of this application.

Policy EP5 outlines that development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement.



Policies PP1, DP1 and DP2 also all aim to ensure proposal protect and enhance their surrounding environment and are compliant with all other policies within the local development plan including policy EP5.

In this case the proposal is contrary to Policy EP5 Open Space. The policy is clear that development that would change the use of an identified environmental designation will be refused. There are exceptions to this, including essential community infrastructure however housing is specifically excluded. Where it is considered development can be sensitively accommodated within an ENV this has been written into the accompanying designation text in the environment/green infrastructure section of the settlement statement within the LDP 2020. No such text has been added to ENV 6 Land to South of Station Road, Garmouth.

The policy is very explicit that housing within an environmental designation is not an acceptable use and there is no justification to support a departure from this policy to allow a house in this location.

In conclusion, the proposal is contrary to EP5 Open Spaces and this form the basis for the refusal of this application.

The proposal is also considered to be contrary to the requirements of policies PP1, DP1 and DP2, in that these policies require compliance with all other relevant development plan policies, such as policy EP5 and also aim to ensure sensitive integration of new development which retains the character and sense of place of settlements and safeguards against adverse impacts on wildlife corridors/green networks and fragmentation of existing habitats.

The applicants have submitted a supporting case which outlines that the proposed house would achieve the highest environmental standards, be sited to minimise impact on the natural environment and there is sufficient infrastructure to serve the proposals, such as access, drainage and electricity. The site is not located within a conservation area, is within the settlement boundary and is not in an area of great landscape value. Any purchasers of the site would be bound by title conditions which would be stipulated within design and operational brief to ensure the highest possible design standards and that the site is managed to maintain its attractive, high environmental habitat value. They have outlined that they are in the process of transferring parcels of land owned by them to the local community and that this will benefit the local community greatly. It is also outlined that the only reason the area covered by the ENV6 designation is of natural value, is due to the applicants hard work over the last 25 years to create an attractive natural environment, however, given the hard work required to maintain this area now requires a younger custodians and hence the requirement for a new house to accommodate and incentivise them to carry out this task in the future.

Whilst the details of the applicant's case are noted, there are no caveats within policy EP5 or any other local development plan policy, which would allow for a house to be constructed within this ENV area on the basis of the points outlined, nor are the matters outlined considered to be of sufficient weight to justify a departure from policy.

The applicants have questioned the assessment of the application under the 2020 Moray Local Development Plan on the basis that the application was submitted prior to the adoption of the 2020 plan, however, section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan and at the time of determining this application the adopted development plan is the Moray Local Development Plan (MLDP) 2020. It was agreed by the Moray Council Emergency Cabinet, that the MLDP 2020 would be the Councils leading material consideration in determining planning applications from the 15 June 2020 and the plan was formally adopted on the 27 July 2020. The soonest a decision could legally/competently have been reached on this application would be the 17 June 2020 following the period for submission of representations expiring and as such this application would always needed to have been determined taking into

account the 2020 MLDP as the leading policy consideration. For the avoidance of doubt, the site was previously covered by an ENV designation in the 2015 MLDP and whilst the policies protecting these areas have changed slightly since the adoption of the 2020 MLDP, any application under the previous 2015 MLDP would still have been refused by the planning service due to adverse impact on the ENV area.

**Drainage (EP12)**

Drainage information has been provided with the application and identifies the means of surface water disposal from the site. Moray Flood Risk Management have assessed this information and have no objections to the approval of the application. Scottish Water have also raised no objection to the proposed use of the public foul sewer or water supply and as such the proposal is considered to comply with policy EP12.

**Access (DP1)**

The Transportation service, have confirmed they have no objection to the approval of the proposals, subject to conditions, as such the access details comply with policy DP1.

**Impact on trees and woodland (EP7)**

Given that this is an application in principle, only indicative plans have been provided, which show a potential footprint location within the site for a house. In this indicative location the proposal would result in a considerable loss of trees/woodland and would be unacceptable, however, it is recognised that there is open space within the site where a house could be site without requiring the removal of trees and to this end this issue does not form an additional reason for refusal. It is also worth emphasising that these comments relate solely to the loss of trees and do not overcome the principle basis on which this application is being refused i.e. the adverse impact on and loss of ground within the ENV designation.

**Developer obligations and affordable housing (PP3 and DP2)**

The applicants have confirmed that they are agreeable to entering into a legal agreement to secure the identified developer obligations and affordable housing contributions and as such the proposals are considered compliant with policies PP3 and DP2.

**Conclusion and Recommendation**

The proposed house site is located within the Garmouth ENV6 designation in which policy EP5 explicitly excludes residential development and therefore regardless of whether or not any such house could be adequately served in terms of infrastructure, the fundamental principle of locating a house site within an ENV area is unacceptable and as such this proposal is recommended for refusal.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	N/A	
Local Newspaper	Reason for Advert	Date of expiry

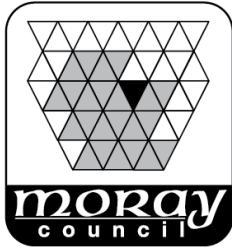
<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>CONT SOUGHT</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b> * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

<b>S.75 AGREEMENT</b>		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			





**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Fochabers Lhanbryde]  
Planning Permission in Principle**

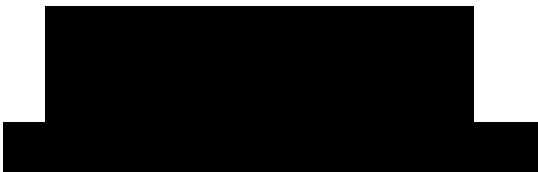
TO Mr & Mrs Cyril Smith  
Connagedale  
Upper Garmouth  
Fochabers  
Moray  
Scotland  
IV32 7RU

With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse and garage on Site At Barnyard Studios Upper Garmouth  
Fochabers Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **10 September 2020**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
PO Box 6760  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal would be contrary to the Garmouth ENV6 designation and associated policies PP1, DP1, DP2 and EP5 of the Moray Local Development Plan 2020, on the basis that these policies aim to protect and preserve the characteristics of ENV areas and policy EP5 specifically excludes residential development from ENV designations.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
001	B	Visibility splay
		Site plan
		Site location plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scot/eplanningClient](http://www.eplanning.scot/eplanningClient)

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



